

Public Hearing on ATV Club's Request to access new roads 5/25/2023

Meeting called to order at 7:04PM.

In attendance: Bob Allen, Sandy Pierre

Role Call: Judi Ryner, Robert Boivin, Michael L'Heureaux, Barry Corriveau, Donna Chase, Dan Reed, Colin Levesque, Tom Fuschetto, Thomas Elliott, Jaime McGuigan, Robert Latosh, Georgianne Latosh, Jacob Labrecque, Becky Sharp, Bob Sharp, Art Andreasen, Deb Monte, Michael Monte, Kevin O'Brien, Chief Kevin Fay

Bob Allen asked Dan Reed to present the official request from the ATV Club for consideration. He noted that certified letters were mailed to all abutters.

The ATV Club originally made this request in early 2020, but due to the COVID-19 pandemic, the town was unable to hold a public meeting to discuss it.

Dan Reed is the Trial Administrator of the ATV Club. Many times, he acts as spokesman. He lives on Mack Hill Rd, off Baine Rd. They're seeking access to more parts of town. Most ATV riders in Marlow come from out of town. They have to bring their ATVs in on trailers. We're currently serving out-of-towners better than Marlow residents.

Dan read aloud the 2020 official request from the ATV club. See attachment.

Bob Allen read aloud testimony that was provided via email or letter.

Email received from Jen Brown and Bradley Hubbard. 5/25/2023. They live on Baine Rd. They're concerned about safety. They are not in favor.

Email received from Kate McNally dated 5/25/2023. She lives on Cross St. She's concerned about safety. She's strongly opposed, due to noise and safety.

Letter received from Kimberly Borden on 5/25/2023, delivered by Jacob Lebreque. She lives at 10 Baine Rd. She's fully opposed. Very concerned about noise.

Email from Kimberly Borden dated 7/22/2020. She's an abutter on Baine Rd. Jacob and Emily Lebreque share her concerns. Concerned about noise, safety, panicked animals, dust and debris, disrupted sleep, environmental impact to wildlife.

Letter from Patricia McKernon dated 7/30/2020. She's an abutter on Baine Rd. Concerned about safety. Should this be approved, she requests that the hours be more limited, and that the speed limit be reduced to 5 mph.

Voicemail from Jacob Lebreque on 7/3/2020. He lives on Church St. He said he'll call back.

Letter from John Gardener, from a PO Box in Charleston. He's against this.

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Letter from Kim Borden on 7/6/2020. She had questions about noise level, and concerns about speed. Asked if this change would be permanent.

Judi Ryner, lives on Gustin Pond Rd. She shares the concerns previously mentioned. She's a member of the Planning Board, but is speaking as a private citizen. Is concerned about ATV traffic on Hwy 123. Doesn't believe roads are wide enough for ATVs and current foot and vehicle traffic. No shoulder. Wonders if this constitutes a change of use of the area, which is something that would require Planning Board review. She's opposed.

Bob Boivin shares the previously expressed concerns. Concerned that the road deadends.

Michael L'heureaux is opposed. He lives on Baine Rd. He already sees ATVs violating the existing rules. Concerned about the requested hours.

Barry Corriveau lives on Route 123, near Alstead Line. He was on the Select Board when the original ATV request to access certain town roads was presented, when Select Board voted unanimously to approve. At the time, no abutting landowners opposed the request. Now, he has concerns. We lack the police to enforce the rules. State police are already understaffed. Fish and Game are also understaffed. Another concern is out-of-towners. He's experienced young people from out of town violating safety rules. Recommends that the abutters' opinions are weighed strongly.

Donna Chase lives on Church St. She's an abutter. She was concerned when the original ATV Club request was made, but she wasn't an abutter at the time. She already sees unauthorized ATV traffic. Doesn't think ATVs belong on these roads. She's opposed.

Colin Levesque was present and voiced support for the ATV Club's request. He lives in Claremont and is President of the Marlow ATV Club.

Tom Fuschetto lives on Church St., is currently undecided.

Thomas Elliott lives on Hwy 123, supports the proposal. Thinks it could be a problem without an approved route across 123.

Jaime McGuigan lives on Route 123, right across from Cross St. Has seen ATVs crossing private property without permission. She shares others' concerns with noise, safety, wetlands.

Robert and Georgeann LaTosh live on Marlow Hill Rd. Here to gather info. Concerned there will be issues with enforcing rules.

Jacob Labrecque lives on Church St., reiterated that he's concerned about noise and increased traffic.

Becky Sharp lives on Church St and is an abutter. She has very mixed feelings. Shares concerns about noise, the requested hours. At the same time, she'd like to have locals have more ATV access. She's in favor of giving it a try, with the understanding that the Select Board could rescind the permission if it turns out to be a problem, if rules are violated, or if it turns out to be more dangerous than expected.

Bob Sharp lives on Church St and is an abutter. Agrees with his wife Becky's comments. He sees ATVs on Church St now, but it hasn't been a problem. They're not too loud or too fast. He doesn't see a big problem with this request.

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Art Andreasen lives on Old Newport Rd. He's seen ATVs violate the rules numerous times, cross private property. Most riders obey the rules, but adding these roads with the dead end will encourage people to violate more rules. He doesn't think ATVs should come through this part of town.

Kevin O'Brien lives on Marlow Hill Rd, agrees that it affects the abutters the most. In general, he's in favor of the proposal, but thinks the hours are excessive.

Deb Monte lives on Marlow Hill Rd. Agrees with several other people's concerns, particularly safety and enforcement of rules. Recounted a case of ATVers on an unauthorized road who intentionally spun mud on a Marlow resident. She's concerned about scope creep over time. She doesn't want ATVs in her area. She's on the Planning Board, but is speaking as a private citizen.

Michael Monte lives on Marlow Hill Rd. He's had ATV riders curse at him and say no one can tell them what to do. Marlow lacks the police manpower to enforce the rules, and ATV drivers know that. He's a former cop and feels having ATVs crossing Hwy 123 would be a nightmare. It could result in a fatal accident. He shares others' concerns.

Officer Kevin Fay confirms that, during the day, there's no police coverage. Fish and Game don't like to come here. Jonathan DeLisle, our Fish and Game officer, tries to get here, but they're short-handed. He's had both positive and negative experiences with ATVers. Members of the Marlow ATV Club are responsible. Some juveniles have violated the rules. Out-of-towners are most likely to either be unaware of the rules, or to intentionally violate them. He requests that the speed limit be very low, and that the operating hours be very narrow. He has a strong concern about ATVs crossing Hwy 123. Many cars speed. His biggest worry is pedestrians on Route 10 and Cross St.

Dan Reed's response to comments:

doesn't want to antagonize friends and neighbors, but know that many people want to ride ATVs and thinks we can work something out. There are already noise/exhaust regulations. Is it fair to not allow legal riders because there are some illegal riders? There will always be illegal riders. We already have an informal reporting system and tracking illegal riders on Baine Rd. He says that legal riders reduce illegal riders.

The hours can be modified by the Selectmen. The requested hours come from State law. 10 mph is very slow for ATVs. State law actually requires that ATVs on roads do the speed limit.

There are approved and open trails. Some roads are legal to ride on, but not "open" by the ATV Club. Getting permission to cross Hwy 123 would come from the State, not the town. If ATV Club doesn't get that permission, then the new route would remain a deadend. It's no fun for ATVers to go 10 mph on a deadend road.

Lempster's ATV network is all on Class 6 and Class 5 roads. Town of Washington has opened all their roads to ATVs. Long-term, Dan would like the Marlow ATV network to connect with other towns.

They have some trail cams they use to monitor use. Marlow trails aren't very heavily used.

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Marlow ATV Club has ~60 members, but a much smaller core, active group. Many people join just to get a \$30 discount on their ATV registration. Dan estimates that more members are from out of town than from in town.

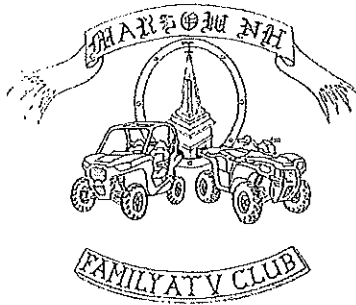
It should be noted that numerous attendees who spoke in opposition to the proposal emphasized that they're not anti-ATV or the Marlow ATV Club.

Becky Sharp requested that notification letters be sent to all abutters after the Select Board votes on this matter. It was also requested that the result be posted in the library and post office.

Bob Allen thanked everyone for attending. He assured the attendees that the Select Board is doing its due diligence in this matter, that the protocols put in place for review and approval of use of town roads by ATVs will be followed.

Meeting adjourned at 8:44PM.

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Dan Reed – Trail Administrator
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Town of Marlow Selectboard
167 NH Route 123
Marlow, NH 03456

Revised April 16, 2020

The Marlow NH Family ATV Club is requesting the Marlow Selectmen to open up to ATV use, subject to the Town of Marlow ATV Rules and Regulations, the following roads: Baine Road from Mack Hill Road to Cross Street and Cross Street from Baine Road to Route 123, to facilitate an ATV trail that can eventually cross Route 123 to expand to other parts of town.

For all permitted use of Class V roads in the Town of Marlow the following rules are expected to apply –

That any and all ATV Use of town roads is regulated by the selectmen, and that ATV use may be revoked at any time for any reason, or otherwise regulated as they see necessary.

That designated signage will be posted on any approved section of Class V roads including the speed limit for ATVs of 10 MPH, and that travel will be near the side of the road with the flow of traffic.

That ATV traffic will yield to all other users of the Class V roads, and travel at appropriate speeds.

That all riders will be properly licensed or permitted, and that all ATV's will be properly registered and equipped as required by law, and riders under the age of 18 will wear helmets.

That ATVs will only be operated on Class V roads during the daytime between ½ hour before sunrise and ½ hour after sunset, and will be closed to ATV traffic in the winter between November 4th and may 23rd each year.

Please contact us with any questions or concerns, and let us know how we can assist in moving this forward.

Sincerely,

Dan Reed

Marlow NH Family ATV Club, Trail Administrator

For the Marlow NH Family ATV Club Board of Directors.

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